

REMARKS

The application has been reviewed in light of the Advisory Action dated May 1, 2007 and a brief telephone conversation on May 21, 2007 between Examiner Hashem and Applicant's representative Jay Ryan. Examiner Hashem is respectfully requested to reconsider the application in view of the following remarks set forth herein. It should be appreciated that the present amendment supersedes the previously submitted, non-entered Amendment After Final submitted April 23, 2007 in response to the Final Action of February 22, 2007.

I. SUMMARY OF CLAIM AMENDMENTS

Claims 1, 2, 3, 8, 11, 12, 14, 18, and 19 are amended. The amendments to Claims 1 and 12 are described in detail below.

II. CLAIM REJECTIONS

Under 35 U.S.C. § 102(e)

Claims 1-4, 6-11, 12-17, 19, and 20 were rejected in the Office Action under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,580,784 to Rodriguez *et al.* Applicant respectfully traverses this rejection and requests reconsideration and withdrawal thereof.

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (as quoted in MPEP 2131 (emphasis added).)

Rodriguez *et al.* relates to a system and method for notifying a user of urgent phone messages. Rodriguez *et al.* discloses sending an urgent message to an alternative phone number. (*See, e.g.*, col. 6, line 66 through col. 7, line 22.) The alternative number can be an alphanumeric pager or an email address, which respectively generate a digital message or an email message informing the user of the urgent phone message. (*See, e.g.*, col. 7, lines 22-50). In either case, Rodriguez *et al.* discloses that these notifications can include “even the contents of the message using speech recognition software.” (*See, e.g.*, col. 7, lines 34-36 and 48-49.)

Applicant respectfully submits that, as detailed below, the cited reference fails to disclose or suggest each and every element as set forth in independent Claims 1 and 12, and as a matter of law, those claims that depend therefrom, in order to demonstrate anticipation in accordance with 35 U.S.C. § 102.

A. The Independent Claims

Claim 1 as currently pending is reproduced below:

Claim 1. A method of routing a text message to an alternate destination associated with a called party where a first destination is unavailable comprising the steps of:

storing and maintaining a database of customer-provided information including an alternate destination and corresponding routing information and formatting information associated with each type of destination device, the routing information comprising a directory number;

receiving a call to the first destination associated with a called party initiated by a calling party, wherein the first destination is unavailable;

based on the unavailability of the first destination, requesting a voice message from the calling party;

receiving the voice message provided by the calling party;

converting the voice message into a text message;

searching the database of customer-provided information;

retrieving routing information from the database for an alternate communication device associated with the alternate destination of the called party;

formatting the text message in an appropriate text format required by the alternate destination; and

forwarding the text message to the alternate destination associated with the alternate destination communication device of the called party.

Applicant respectfully submits that the reference alleged in the Final Action to anticipate the present invention does not include at least the features of Claim 1 highlighted above. While Rodriguez *et al.* does indicate converting a voice message into text, there is not a hint in either the cited passages or the remainder of this reference of a method that employs a *database of customer-provided information including an alternate destination and corresponding routing information and formatting information associated with each type of destination device*. This limitation, drawn from paragraph [0031] of the subject disclosure, was suggested by Examiner Hashem in the interview summary dated April 17, 2007, and was confirmed in the aforementioned

brief telephone conversation on May 21, 2007. It is respectfully submitted that there is nothing in Rodriguez *et al.* that could be construed as meeting the requirements of Claim 1 as presently amended. Furthermore, there is nothing in the Rodriguez *et al.* reference that discloses or suggests ***formatting the text message in an appropriate text format*** required by a destination of a forwarded message. Indeed, one would have to look well beyond the teachings of Rodriguez *et al.* in order to find the invention recited in Claim 1. The Final Action relies upon a passage of Rodriguez *et al.* from col. 6, line 66 through col. 8, line 3 as allegedly disclosing this claimed subject matter. However, the salient portions of this passage have been discussed *supra*, and it is readily apparent that this passage is silent as to a *database* including *routing information* and *formatting information* for a number of devices as presently claimed.

In a further illustration, it should be noted that dependent Claim 3 further stipulates that these plurality of communication devices can be any one of *a paging device, a mobile telephone, an electronic mail device, a facsimile machine, a modem, or a computer*. It would be abundantly clear to one of ordinary skill in the art that each of these devices have separate and distinct formatting requirements. Such features are not disclosed or suggested by Rodriguez *et al.*, since the disclosure relied upon in the Final Action merely states the conversion of “the contents of the message using speech recognition software.” While it should be understood that Claim 1 is not to be limited to the specifics of Claim 3, the aforementioned discussion is offered to further demonstrate the deficiencies of the prior art with respect to the instant invention.

In view of at least the aforementioned reasons, it is readily apparent that Rodriguez *et al.* fails to disclose each and every aspect of the claim, and thus fails to meet

the requirements for anticipation as set forth in 35 U.S.C. § 102. Applicant therefore respectfully requests that the rejection of Claim 1 and any claims depending therefrom be withdrawn.

Claim 12 as currently pending is reproduced below:

Claim 12. A system for routing a text message to a second destination associated with a called party where a first destination is unavailable comprising:

a first switch for receiving a call to a first destination associated with a called party initiated by a calling party, wherein the first destination is unavailable;

a network element, coupled to the first switch, for requesting a voice message from the calling party based on the unavailability of the first destination and receiving the voice message provided by the calling party; and

a voice recognition means, coupled to the network element, for converting the voice message to a text message based on determining an appropriate text format required by the second destination;

a database for retaining and selecting customer-provided information including one or more alternate destinations and their corresponding routing information associated with each type of a plurality of alternate destination communication devices associated with a respective plurality of subscribers, the routing information for each communication device including:

a list of directory numbers for corresponding communication devices;

formatting information for the corresponding communication devices, the formatting information comprising an appropriate text format required for each

communication device selectable as the second destination and retrieved by the voice recognition means; the system further comprising

a second switch, coupled to the network element, wherein the network element forwards the ***appropriately formatted text message*** to a second destination associated with the called party via the second switch, wherein the second destination comprises ***an alternate communication device for the called party***.

Applicant respectfully submits that the reference alleged in the Final Action to anticipate the present invention does not include at least the features of Claim 12 highlighted above. As mentioned *supra* with respect to Claim 1, while perhaps having certain incidental similarities to the subject field of invention, Rodriguez *et al.* fails to disclose or suggest a system that employs ***a database for retaining and selecting customer-provided information including one or more alternate destinations and their corresponding routing information associated with each type of a plurality of alternate destination communication devices associated with a respective plurality of subscribers***. As noted hereinabove with respect to amended Claim 1, these limitations are disclosed in paragraph [0031] of the subject specification and are added herewith at the suggestion of Examiner Hashem. Amended Claim 12 also recites a network element that forwards the ***appropriately formatted text message*** to a second destination that comprises ***an alternate communication device for the called party***.

For at least these aforementioned reasons, Applicant respectfully requests that the rejection of Claim 12 and any claims depending therefrom be withdrawn.

Under 35 U.S.C. § 103(a)

Claims 5 and 18 were rejected in the Final Action under 35 U.S.C. 103(a) as being unpatentable over Rodriguez *et al.* in view of U.S. Patent No. 6,085,231 to Agraharam *et al.* Applicant respectfully traverses this rejection and requests reconsideration and withdrawal thereof.

Claims 5 depends from Claim 1, and Claim 18 depends ultimately from Claim 12, which as described above are not anticipated by Rodriguez *et al.* Applicant submits that Agraharam *et al.* does not add to Rodriguez *et al.* any features which serve to render Claims 5 and 18 unpatentable over the combination of the two references. Therefore claims 5 and 18 are also allowable over the cited art for at least the same reasons as the independent claims from which they depend. Applicant therefore respectfully requests that the rejection be withdrawn.

B. The Dependent Claims

As discussed above, the dependent claims are allowable over the cited art for at least the reasons discussed above with regard to the independent claims from which they depend. In addition, these claims add features additionally not found in Rodriguez *et al.* Any particular claim's inclusion or exclusion from the following discussion should not be construed as an indication of Applicant's opinion as to the relative merits of patentability of the dependent claims. Applicant merely wishes to direct the Examiner's attention to a number of selected claims and their corresponding features.

Claims 4 and 16 include the feature of receiving additional information from the calling party, a feature not disclosed in the cited art. Claims 5 and 18 depend from Claim 4 and 16

respectively and include the feature of the additional information comprising routing information of the second destination associated with the called party. Rodriguez *et al.* fails to describe receiving any such information from a calling party. Claims 6 and 17 depend from Claim 4 and 16 respectively and include the feature of the additional information comprising an identification of the calling party. The cited art fails to disclose this feature.

Claim 7 includes the feature of the requesting step being performed in response to a Busy/No Answer trigger. The cited art makes no mention of any such trigger.

Claim 8 includes the feature of receiving routing information of the second destination from the called party. Rodriguez *et al.* does not disclose receiving any routing information from the called party.

Claim 11 adds to Claim 1 the feature of receiving a personal identification number, the personal identification number determining which one of the plurality of communication devices comprises the second destination. This is not disclosed or suggested in the cited reference.

Claim 19, as currently amended, includes the feature of the claimed network element receiving routing information of the second destination from the called party and storing the routing information in the database. Applicant respectfully submits that the cited art fails to teach or suggest any such feature. No mention is made of receiving routing information from a party and storing this information in a database.

III. CONCLUSION

The foregoing is submitted as a full and complete response to the Advisory Action mailed May 1, 2007. Applicant thanks Examiner Hashem for her suggested amendments and for her consideration of these amendments. Applicant respectfully submits that the pending claims, as amended, are patentable over the cited references, and a Notice of Allowance indicating the same is respectfully requested. The preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Applicant submits payment for the Request for Continued Examination filed in conjunction with this Response. The Commissioner is hereby authorized to charge any additional fees due, or credit any overpayment to Deposit Account 50-3447.

If Examiner Hashem believes any issues remain that can be resolved by a telephone conference, or there are any informalities that can be corrected by an Examiner's amendment, a telephone call to the undersigned at the number listed below to discuss the same is respectfully requested.

Respectfully submitted,



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